

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dov Levavi	Team: Team # 2	CCRB Case #: 201114053	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 09/01/2011 6:30 AM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 3/1/2013	EO SOL 3/1/2013	
Date/Time CV Reported Fri, 10/28/2011 12:39 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 10/28/2011 12:39 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Steven Gansrow	02866	928345	NARCBMN
2. SGT Emile Provencher	00000	918182	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Shannon Brooks	03463	927964	NARCBMN
2. DT3 Angus Mackenzie	06284	922682	NARCBMN
3. DT3 Glenda Wajer	07574	923335	NARCBMN
4. DT3 Ivan Rodriguez	29406	937406	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Emile Provencher	Abuse: Sgt. Emile Provencher supervised the entry and search of § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DT3 Steven Gansrow	Discourtesy: Det. Steven Gansrow spoke rudely to § 87(2)(b)	§ 87(2)(b)
C.DT3 Steven Gansrow	Force: Det. Steven Gansrow struck § 87(2)(b) with a police shield.	§ 87(2)(b)

## Case Summary

On October 28, 2011, § 87(2)(b) filed a complaint in person at the CCRB. At approximately 6:30 a.m. on September 1, 2011, officers executed a search warrant at § 87(2)(b) in Manhattan. The following allegations resulted:

- **Allegation A – Abuse of Authority: Sgt. Emile Provencher supervised the entry and search of § 87(2)(b) in Manhattan.**

§ 87(2)(g)

- **Allegation B – Discourtesy: Det. Steven Gansrow spoke rudely to § 87(2)(b)**

§ 87(2)(g)

- **Allegation C – Force: Det. Steven Gansrow used physical force against § 87(2)(b)**

§ 87(2)(g)

## Results of Investigation

### Civilian Statement(s)

#### **Complainant/Victim:** § 87(2)(b)

- *A black female who is 5'3" tall, weighing 129 pounds with black hair and brown eyes, § 87(2)(b) was § 87(2)(b) old at the time of the incident.*

### **CCRB Statement**

§ 87(2)(b) was interviewed at the CCRB on October 28, 2011 (encl. b3-7). At approximately 6:30 a.m. on September 1, 2011, § 87(2)(b) was asleep on a bed in her living room at § 87(2)(b) in Manhattan. Also home at the time were § 87(2)(b)'s granddaughters, § 87(2)(b) and § 87(2)(b) § 87(2)(b) friend § 87(2)(b) and § 87(2)(b)'s § 87(2)(b) and § 87(2)(b) year old children. § 87(2)(b) and § 87(2)(b)'s children were in one room together while § 87(2)(b) was in her own room in the back. § 87(2)(b) was awoken by loud banging on her door, so she got up and went into the short hallway leading to the front door.

§ 87(2)(b) approached the front door from the living room. By the time she got near the door, § 87(2)(b) saw about five plainclothes officers inside her apartment with a brown German Shepherd. (She learned later that the door was broken open and believed that the officers broke the door open with a battering ram.) One officer in front, identified by the investigation as Det. Steven Gansrow, held a ballistic shield in his hands and the other officers followed behind him.

§ 87(2)(b) was walking quickly toward Det. Gansrow because she intended to see who was knocking at the door. She had nothing in her hands and wore only underwear. § 87(2)(b) denied attempting to run away or swinging at Det. Gansrow, who announced that he and the other officers were police. He told § 87(2)(b) "Get back, bitch," and hit her in her face with his shield. The hit knocked out one of § 87(2)(b)'s teeth and caused swelling to her right forehead. (Since the incident, she has had a recurrence of Bell's palsy in the left side of her face.) Det.

Gansrow then turned the shield sideways and hit § 87(2)(b) in her groin with the shield. Det. Gansrow did not provide any instructions or orders prior to doing this. § 87(2)(b) did not fall to the ground as a result of the force, but stumbled back toward the living room bed.

Det. Gansrow told § 87(2)(b) to “sit the fuck on the bed.” § 87(2)(b) complied and sat down on the bed. She was handcuffed by one of the officers whom she did not recall. Det. Gansrow asked § 87(2)(b) “where the fuck” the guns and drugs were. § 87(2)(b) and § 87(2)(b) were brought by officers into the living room and all were handcuffed. § 87(2)(b) and her granddaughters denied possessing guns and selling drugs. § 87(2)(b) asked the officers what the problem was. Det. Gansrow told her to “sit the fuck on the bed.” He went up to § 87(2)(b)s face and repeatedly asked her, “Where’s it at, bitch? Where’s the fucking guns at?” § 87(2)(b) asked if the officers had a warrant. The officers stated that they did have a warrant.

From the living room, § 87(2)(b) heard, but did not see, officers searching in her kitchen and bathroom. (When she returned home later, § 87(2)(b) looked around the apartment, saw evidence that the entire apartment had been searched, and noticed damage to her television.) The officers did not find any weapons in the house. The officers found marijuana, for which they arrested § 87(2)(b). After about thirty minutes, during which time the apartment was searched, § 87(2)(b) and § 87(2)(b) were brought outside to an unmarked, maroon van. § 87(2)(b) did not recall which officers rode in the van with them and did not know whether officers stayed behind at the apartment.

§ 87(2)(b) and § 87(2)(b)s children were allowed to leave the apartment while § 87(2)(b) and § 87(2)(b) were brought to the 32<sup>nd</sup> Precinct stationhouse. § 87(2)(b) was released from the precinct, and § 87(2)(b) and § 87(2)(b) were taken to Central Booking. § 87(2)(b) was told that she and § 87(2)(b) both had open warrants. They both appeared before a judge and § 87(2)(b) was allowed to leave after her charge for § 87(2)(b) was dismissed. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was treated at § 87(2)(b) the day after she was released from Rikers Island.

**Witness:** § 87(2)(b)

### **Telephone Statement**

- § 87(2)(b) provided a telephone statement on November 9, 2011 (encl. b9). § 87(2)(b) was in her bedroom during the officers’ initial entry, which she heard but did not witness. Several minutes later, six officers wearing vests, some of whom had shields, entered her bedroom with their guns drawn and pointed at her. Officers yelled, “Get down!” § 87(2)(b) lifted her arm up and turned over toward the officers to see what was happening. An officer pulled her right arm and dragged her off the bed, causing her back to hit the floor. § 87(2)(b) was then brought into apartment’s main room, where § 87(2)(b) and § 87(2)(b) were all sitting while handcuffed. § 87(2)(b) saw an additional nine plainclothes officers, who asked questions about drugs and searched the apartment. Officers said that § 87(2)(b)s children would not have to go to ACS if they did not find drugs in the apartment. § 87(2)(b) noticed a large knot to the right side of § 87(2)(b)s forehead. She did not know what caused the knot. § 87(2)(b) and § 87(2)(b) were arrested. § 87(2)(b) left before they were taken from the apartment and brought § 87(2)(b)s children to their house in the Bronx.

**Witness:** § 87(2)(b)

**Telephone Statement**

- § 87(2)(b) provided a telephone statement on November 28, 2011 (encl. b10). § 87(2)(b) was in her room with § 87(2)(b) and her two children when she heard a loud bang and yelling. She heard § 87(2)(b) asking officers why they hit her. Officers then came into § 87(2)(b) room while pointing guns at everyone in the room and yelling at § 87(2)(b) to get down on the floor. An officer told § 87(2)(b) that they were searching for guns and narcotics. § 87(2)(b) was handcuffed and brought into the main room, where she noticed a large knot on § 87(2)(b)'s head. § 87(2)(b) told § 87(2)(b) that officers hit her with the metal object they used to open the door.

The apartment was searched, and officers came out of § 87(2)(b) room with an ash tray that contained a small amount of marijuana. To avoid having § 87(2)(b)'s children sent to ACS, § 87(2)(b) stated that the marijuana belonged to her. Officers stated that they had a warrant to search the house, and when § 87(2)(b) asked where the warrant was, no one showed her a warrant. Officers let § 87(2)(b) leave with the children and arrested § 87(2)(b) and § 87(2)(b).

**Witness:** § 87(2)(b)

**Telephone Statement**

- § 87(2)(b) provided a telephone statement on January 12, 2012 (encl. b11). § 87(2)(b) was in § 87(2)(b) room with her children and § 87(2)(b) when plainclothes officers entered the apartment. § 87(2)(b) did not witness the officers' entry because § 87(2)(b) room was in the back of the apartment. Officers came into the room with guns drawn and brought § 87(2)(b) and § 87(2)(b) to the apartment's main room. There, § 87(2)(b) stated that an officer had hit her in the head and § 87(2)(b) saw a knot on her head.

§ 87(2)(b) and § 87(2)(b) were all were handcuffed. § 87(2)(b) continuously complained to officers that they had entered her apartment without a warrant and hit her on the head. An officer, identified by the investigation as Det. Wajer, brought the women's clothes into the main room and they were brought downstairs to a van, where they sat for a long time before being taken to the 32nd Precinct stationhouse. From there, § 87(2)(b) was released with a DAT and § 87(2)(b) was held because § 87(2)(b)

**Attempts to Contact Civilians**

- Attempts were made to interview § 87(2)(b) and § 87(2)(b). However, § 87(2)(b) and § 87(2)(b) each missed two appointments that were scheduled for November 30, 2011 and December 23, 2011. Therefore, no in-person testimony could be obtained from either individual.

## **NYPD Statement(s):**

### **Subject Officer: DET. STEVEN GANSROW**

- *A white male who is 5'8" tall, weighing 275 pounds with brown hair and brown eyes, Det. Gansrow was § 87(2)(b) old at the time of the incident.*
- *Det. Gansrow worked from 4:27 a.m. to 1:00 p.m. as the arresting officer of a search warrant entry team with Sgt. Emile Provencher, Lt. Anthony Ronda and Cpt. Kevin Radday. Det. Gansrow was in plainclothes while wearing a helmet, an NYPD jacket, and a vest.*

### **Memo Book**

- 6:20 a.m., En route to § 87(2)(b) regarding search warrant entry;  
6:34 a.m., Arrived at location, 3 under arrest inside of apartment — § 87(2)(b)  
8:10 a.m., Left location. (encl. c1-4)

### **CCRB Statement**

Det. Gansrow was interviewed at the CCRB on January 24, 2012 (encl. c5-7). At approximately 6:30 a.m. on September 1, 2011, Det. Gansrow entered § 87(2)(b) in Manhattan with approximately seven or more officers, none of whom he could recall (besides his supervisors, Sgt. Provencher, Lt. Ronda and Cpt. Radday). They were there to execute a search warrant in order to find narcotics. No guns were mentioned in the search warrant. The door of the apartment was breached and the field team entered the apartment while officers, including Det. Gansrow, called out "Police, search warrant." Det. Gansrow was the first officer to enter the door of the apartment as a "bunker" officer while holding a ballistic shield and a firearm. His function was to get as deep into the apartment as possible, as quickly as possible. The rest of the team followed behind him. The apartment was dark and there was a long, narrow hallway at the entrance of the apartment.

Det. Gansrow encountered § 87(2)(b) as she turned into the hallway from a doorway with a curtain over it. At the time, Det. Gansrow could not tell if § 87(2)(b) was male or female. He ordered § 87(2)(b) several times to show her hands, which she held behind her, away from the view of Det. Gansrow. § 87(2)(b) kept her hands behind her and backed up into the room from which she had come. She did not say anything. Det. Gansrow did not say to § 87(2)(b) "Get back, bitch" and did not hear any of his partners do so. He did not call her a "bitch" or say anything besides ordering her to show her hands. He did not tell § 87(2)(b) or anyone else in the apartment to "sit the fuck on the bed," and he did not hear any other officer do so.

Det. Gansrow went past § 87(2)(b) and did not enter the room into which she had gone, leaving § 87(2)(b) to be apprehended by the arrest team behind him. Det. Gansrow stated, "I don't think so," when asked if he hit § 87(2)(b) in her face with his ballistic shield. He did not recall hitting § 87(2)(b) in her groin area with his ballistic shield. He did not know if he hit § 87(2)(b) at all with his ballistic shield and he did not know if he made any physical contact with § 87(2)(b) as he passed by her. Det. Gansrow did not see any interactions between § 87(2)(b) and the members of the team behind him, or if any other officer hit § 87(2)(b) with a ballistic shield. Det. Gansrow continued into the bedrooms at the back of the apartment. The individuals there—§ 87(2)(b) and § 87(2)(b)—complied as they were placed in handcuffs. They were brought by Det. Gansrow into the apartment's living room, where § 87(2)(b) sat handcuffed. Det. Gansrow did not know who handcuffed her. He searched the entire apartment, finding crack cocaine and drug paraphernalia.

In the living room, Det. Gansrow noticed a bruise on the top of § 87(2)(b)'s head. She was not complaining about the injury and it was not bleeding. Det. Gansrow did not know how the bruise was sustained. § 87(2)(b) did not complain about a missing tooth and Det. Gansrow did not notice any missing teeth. § 87(2)(b) was compliant at this point; she and the other females joked around and acted relatively jovial. Det. Gansrow asked the residents of the apartment whether there were drugs in the apartment. One of the younger females told him that there was marijuana on top of the television in the living room. Det. Gansrow did not recall if he asked about weapons as well. He did not ask where the "fucking" guns were and did not he did not hear any of his partners do so. Det. Gansrow did not use profanity at all during the incident and did not hear any of his partners do so.

Before leaving the apartment, Det. Gansrow provided a copy of the search warrant to § 87(2)(b). He did not recall if anyone requested to see the search warrant. § 87(2)(b) and § 87(2)(b) were taken out the apartment.

**Witness Officer: DET. SHANNON BROOKS**

- *A white male who is 5'11" tall, weighing 265 pounds with brown hair and hazel eyes, Det. Brooks was § 87(2)(b) old at the time of the incident.*
- *Det. Brooks worked from 4:27 a.m. to 3:00 p.m. assigned to a warrant enforcement team. He was in uniform and his partner was Det. Mackenzie.*

**Memo Book**

- 6:34 a.m., Search warrant execution at § 87(2)(b) Assignment – Bunker number two. Three arrests. (encl. c18-20)

**CCRB Statement**

Det. Brooks was interviewed at the CCRB on February 29, 2012 (encl. c21-22). Because this was one of three search warrants that Det. Brooks executed that day, he did not have a clear memory of the incident and recalled nothing out of the ordinary occurring. Det. Brooks was the third officer to enter the apartment while holding a shield, behind Det. Gansrow and Det. Rodriguez. Cpt. Radday, Lt. Ronda and Sgt. Provencher, who were supervisors at the scene, entered after the rest of the entry team. Det. Brooks did not recall encountering any individuals upon entering the apartment. He was shown § 87(2)(b)'s photograph but did not recall seeing her in the apartment.

Once in the apartment, Det. Brooks assisted in securing the apartment. He did not see Det. Gansrow hit § 87(2)(b) with a shield in her face or groin, nor did he do so. Det. Brooks did not use profanities. He denied that Det. Gansrow or any officer used profanities, including "Get back bitch," and "Sit the fuck on the bed." Det. Brooks did not assist in the arrest of any individual inside the apartment. Det. Brooks did not recall questioning anyone in the apartment about narcotics. Det. Brooks left immediately after clearing the apartment and went to execute another search warrant while some members of the team (he did not recall which) stayed to assist with a search team that was coming to the scene.

**Witness Officer: DET. IVAN RODRIGUEZ**

- *A Hispanic male who is 5'11" tall, weighing 175 pounds with black hair and brown eyes, Det. Rodriguez was § 87(2)(b) old at the time of the incident.*
- *Det. Rodriguez worked from 4:27 a.m. to 3:00 p.m. assigned as part of a search warrant team with Det. Gansrow. He was in uniform and was assigned to an unmarked vehicle.*

**Memo Book**

- Det. Rodriguez's memo book contained no entries regarding the incident. (encl. c14-15)

**CCRB Statement**

Det. Rodriguez was interviewed at the CCRB on February 28, 2012 (encl. c16-17). Det. Rodriguez was the second officer to enter the apartment behind Det. Gansrow. Det. Rodriguez has his gun drawn and his role was to provide security for Det. Gansrow. Behind Det. Rodriguez, Det. Shannon Brooks entered while holding a ballistic shield. Upon entering the apartment, Det. Rodriguez and the other officers announced themselves as police and ordered any residents not to move. As they entered the apartment, Det. Rodriguez saw § 87(2)(b) in the hallway. She was screaming, although Det. Rodriguez did not recall what she said, and she moved her arms while walking toward the officers. Det. Rodriguez and other officers ordered her to show her hands and to get down. § 87(2)(b) did not comply with these orders and continued to wave her hands. Det. Gansrow did not tell § 87(2)(b) "Get back, bitch" or use any profanities. Det. Rodriguez did not hear any officers use profanities during the incident, including "Get back bitch," and "Sit the fuck on the bed."

Det. Rodriguez did not see Det. Gansrow hit § 87(2)(b) in her face or groin with his shield, or make any physical contact against § 87(2)(b) with his shield. Det. Rodriguez put his hand out and moved § 87(2)(b) out of the way, toward the officers behind him, who were assigned to handcuff occupants of the apartment. Det. Rodriguez did not see § 87(2)(b) being detained or handcuffed because it occurred behind him. He continued into the other rooms of the apartment and cleared them without incident. There other occupants of the apartment were compliant. Det. Rodriguez did not participate in handcuffing them.

Det. Rodriguez did not recall seeing § 87(2)(b) again before leaving the apartment. He did not notice any injuries to § 87(2)(b) at any point during the incident or hear her complain of injuries. He did not hear § 87(2)(b) or any occupant of the apartment ask to see a search warrant. Det. Rodriguez left the apartment and proceeded to another location.

**Subject Officer: Sgt. EMILE PROVENCHER**

- *A white male who is 6'0" tall, weighing 230 pounds with brown hair and brown eyes, Sgt. Provencher was § 87(2)(b) old at the time of the incident.*
- *Sgt. Provencher worked from 4:25 a.m. to 1:00 p.m. as a module supervisor in Manhattan North Narcotics. He was in uniform and was assigned to vehicle number 7936, a gold minivan.*
- *Sgt. Provencher, who has since been promoted to lieutenant, was a sergeant at the time of the incident.*

**Memo Book**

6:25 a.m., En route to § 87(2)(b) § 87(2)(b) 6:34 a.m., Three under arrest inside of location. (encl. c23-24)

### **CCRB Statement**

Sgt. Provencher was interviewed at the CCRB on March 7, 2012 (encl. c25-26). Sgt. Provencher was about the sixth officer to enter the location, behind two bunker officers, two bunker security officers, and cuff-and-toss officers. In addition to Sgt. Provencher, Cpt. Radday and Lt. Ronda were at the scene as supervisors and they entered the apartment.

Sgt. Provencher did not recall the moment of entry in detail and did not recall anything remarkable occurring. He did not hear Det. Gansrow or any officer use profanities, including "Get back bitch," and "Sit the fuck on the bed."

Sgt. Provencher did not witness any physical interaction between a bunker officer and § 87(2)(b). He did not see an officer strike § 87(2)(b) in her face or groin with a ballistic shield. He did not recall hearing § 87(2)(b) complain of being hit by an officer's shield. Sgt. Provencher did not participate in the handcuffing or arrests of § 87(2)(b) or the other females inside the apartment.

### **Witness Officer: DET. ANGUS MACKENZIE**

- *A white male who is 6'1" tall, weighing 300 pounds with brown hair and brown eyes, Det. Mackenzie was § 87(2)(b) old at the time of the incident.*
- *Det. Mackenzie worked from 4:30 a.m. to with an entry team, including Det. Gansrow, PO Rodriguez and Det. Brooks. He was in plainclothes and was assigned to an unmarked vehicle.*

### **Memo Book**

- 6:35 a.m., § 87(2)(b) Door Secure. (encl. c8-10)

### **CCRB Statement**

Det. Mackenzie was interviewed at the CCRB on February 21, 2012 (encl. c11-13). Det. Mackenzie was the fourth officer to enter the apartment and he had his weapon drawn as he provided security for Det. Brooks, who stood directly in front of him while holding a ballistic shield. In the hallway, Det. Mackenzie saw § 87(2)(b) who asked the officers what they were doing there and "who the hell are you?" She was not running toward or away from the officers. Det. Gansrow ordered § 87(2)(b) to get down on the ground and to show her hands. She remained standing and did not comply with the officers' orders. Det. Mackenzie did not recall if she yelled or used profanities. Det. Mackenzie did not hear Det. Gansrow or any officer use profanities, including "Get back bitch," and "Sit the fuck on the bed."

Det. Gansrow continued down the hallway past § 87(2)(b) and "pushed her back" as the detectives are taught in their training. Det. Mackenzie then rephrased this and stated that Det. Gansrow "brushed by" § 87(2)(b) and did not make physical contact with her. Det. Mackenzie did not see § 87(2)(b) being pushed or being hit in her face or groin by a ballistic shield. He did not hear § 87(2)(b) complain of being hit and he did not notice any injuries to her. Det. Mackenzie walked by § 87(2)(b) and continued further into the apartment, as he had been trained to do when someone is not perceived as a threat. Det. Mackenzie believed that § 87(2)(b) was detained and handcuffed by one or more of the officers in the, although he did not know whom.

When he saw § 87(2)(b) handcuffed in the hallway outside of the apartment as he left the location, Det. Mackenzie noticed no injuries to her and did not hear her complain of injuries. Det. Mackenzie did not question § 87(2)(b) about anything in the apartment and he did not hear any officer do so.



**Witness Officer: DET. GLENDA WAJER**

- *A Hispanic female who is 5'2" tall, weighing 130 pounds with black hair and brown eyes, Det. Wajer was § 87(2)(b) old at the time of the incident.*
- *Det. Wajer worked from 4:27 a.m. to 1:00 p.m. assigned to a search warrant team with Sgt. Provencher. She was in uniform and was assigned to an unmarked vehicle.*

**Memo Book**

- 6:20 a.m., En route to § 87(2)(b) § 87(2)(b) 6:35 a.m., Entry secure at § 87(2)(b) § 87(2)(b) § 87(2)(b) 9:30 a.m., En route to Hub for processing and assist arresting officer. (encl. c27-28)

**CCRB Statement**

Det. Glenda Wajer was interviewed at the CCRB on March 14, 2012 (encl. c30-31) Det. Wajer operated the "rabbit" entry device to force open the apartment door and waited until the location was cleared before entering. Det. Wajer did not recall any specific verbal interactions between members of the team and any civilians in the apartment and she could not see over the shoulders of those officers into the apartment when they initially entered. Det. Wajer did not hear Det. Gansrow or any officer use profanities.

By the time she entered, all civilians in the apartment had been handcuffed. Det. Wajer did not recognize § 87(2)(b) when shown her arrest photograph. She did not recall seeing any injuries to any civilian in the apartment or hearing anyone complain of injuries.

**Medical Records**

- § 87(2)(b) was admitted to § 87(2)(b) on § 87(2)(b) for psychiatric services. Her chief complaint was that she heard voices telling her to take an overdose of her medication. During the visit, she complained of "pain in her groin area sustained when she had an encounter with NYPD six days ago during the raid process in her building." § 87(2)(b) § 87(2)(b) was assessed as experiencing drug-induced psychosis. Her examination noted that she walked with a limp, that she had no teeth and that she experienced intermittent back pain. The records from § 87(2)(b) include a description of the incident with police: "She reported that at about the end of August police officers forcefully broke into her apartment where she was sleeping with her daughter and grandchildren and caused so much commotion in the apartment and used all intimidating tactics to insist she must reveal where the drugs and gun were kept. As per patient the police officers stated that her apartment was under surveillance for several weeks and that the Police Department had evidence that drugs and guns were sold at the apartment. Patient reported that the police arrested her and the adults in the home but others were 'cut lose' and she was detained by the Police Department and released about September 13, 2011. She reported that since her release she has been unable to sleep because her dog who was terrified by the incident barks a lot and she awakens easily as she is falling asleep." (encl. d1-11)
- On § 87(2)(b), § 87(2)(b) was admitted to § 87(2)(b) where she complained of a headache that had lasted about three weeks. According to the assessment narrative, § 87(2)(b) complained of pressure in her head "since she was possibly struck in the head by the police on that side three weeks ago. Patient did not seek medical treatment at that time and denies loss of consciousness then but had a large hematoma on her forehead." § 87(2)(b) was diagnosed with Bell's Palsy. (encl. d12-26)

- On § 87(2)(b), § 87(2)(b) was admitted to § 87(2)(b). She complained of tightness to the right side of her head and neck, pains to the right side of her head that “started 11:00 a.m. yesterday,” and stated that she had been having pain since the end of August. She was diagnosed with Bell’s Palsy. (encl. d27-33)

#### **Ambulance Call Report**

- § 87(2)(b)’s Ambulance Call Report from October 5, 2011 notes, “Patient was found seated talking to PD, complained of headache. Patient states she was talking to a friend in the hallway when another individual came and poked her in the eye.” § 87(2)(b)’s chief complaint was that her head hurt and the presumptive diagnosis was “substance abuse.” (encl. d34-35)

#### **NYPD Document(s)**

##### **Search Warrant**

- The search warrant for § 87(2)(b)’s apartment, which was obtained on § 87(2)(b), instructs officers to enter the residence and to search it for evidence of drugs. § 87(2)(e)

§ 87(2)(b)  
 (e1-3). § 87(2)(b)  
 § 87(2)(b)

##### **Arrest Photograph**

- § 87(2)(b)’s arrest photograph shows a possible lump on the right side of her forehead. (encl. b8)

#### **Summons/Arrest for Incident and Disposition**

- § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
 § 87(2)(b) § 87(2)(b)  
 § 87(2)(b)

#### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of March 30, 2012 with regard to the incident (encl. e1).

### Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[redacted]
  - [redacted]  
[redacted]
  - [redacted]  
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  - [redacted]  
[redacted]
  - [redacted]  
[redacted]

### Civilian(s) CCRB History

- [§ 87(2)(b)] has filed the following CCRB complaints (encl. a4):
  - [§ 87(2)(b)]  
[redacted]
  - [redacted]
  - [redacted]  
[redacted]

### Subject Officer(s) CCRB History

- Det. Gansrow has been a member of the service for 10 years and there are 2 substantiated CCRB allegations against him (encl. a1):
  - In case 200917537, Det. Gansrow improperly stopped and frisked an individual. He pled guilty and was given command discipline.
- Sgt. Provencher has been a member of the service for 15 years and there are 4 substantiated CCRB allegations against him (encl. a2-3):
  - In case 200409155, Sgt. Provencher conducted an improper stop and search and effected a retaliatory arrest. He received instructions.
  - In case 201004558, Sgt. Provencher used discourteous language. He received instructions.

### Conclusion

### Allegations Not Pled

- [§ 87(2)(b)] stated that when she asked if the officers had a warrant, they responded that they did have one. According to [§ 87(2)(b)] telephone statement, officers stated that they had a warrant to search the house, and when she asked where the warrant was, no one showed her a warrant. In [§ 87(2)(b)]'s case, she did not actually ask to see the warrant. [§ 87(2)(g)]  
[redacted]

- § 87(2)(g)
- § 87(2)(g)
  - § 87(2)(g)

### **Identification of Subject Officer(s)**

- Det. Gansrow admitted to interacting with § 87(2)(b). In addition, his appearance matched the description provided by § 87(2)(b) of the first officer who entered the apartment with a ballistic shield. Det. Gansrow was the first officer to enter the apartment while holding a ballistic shield.

### **Investigative Findings and Recommendations**

#### **Allegation A – Abuse of Authority: Sgt. Emile Provencher supervised the entry and search of § 87(2)(b) in Manhattan.**

§ 87(2)(g)

#### **Allegation B – Discourtesy: Det. Steven Gansrow spoke rudely to § 87(2)(b)**

§ 87(2)(b) stated that after entering her apartment, Det. Gansrow told § 87(2)(b) “Get back, bitch,” “Sit the fuck on the bed,” and asked her “where the fuck” the guns and drugs were. Det. Gansrow denied saying “Get back, bitch,” “sit the fuck on the bed,” or asking “where the fuck” guns and drugs were located. He denied using any profanities. None of the officers interviewed heard Det. Gansrow make these statements or use profanities. In each of their statements, § 87(2)(b) and § 87(2)(b) did not allege discourtesies against Det. Gansrow or any officer in the apartment. They were not present during the officers’ initial entry and therefore could not testify about two of the three instances of profanity that § 87(2)(b) alleged. None of these witnesses corroborated § 87(2)(b)’s claim that profanity was used in the apartment’s main room when they were all present.

The use of limited profanity by an officer is permitted when it is done to gain compliance during stressful street encounters. NYPD v. White, OATH Index 78667/03 (encl. i-iv).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – Force: Det. Steven Gansrow used physical force against § 87(2)(b)**

§ 87(2)(b) stated that when Det. Gansrow entered the apartment, she was walking quickly toward him. Det. Gansrow hit her in her face with his ballistic shield, which knocked out one of her teeth and caused swelling to her right forehead. § 87(2)(b) also reported a recurrence of Bell’s Palsy in the left side of her face. Det. Gansrow then turned the shield sideways and hit § 87(2)(b) in her groin with the shield. Det. Gansrow did not provide any instructions or orders prior to doing this. § 87(2)(b) did not fall to the ground as a result of the force, but stumbled back toward the living room bed. Although § 87(2)(b) and § 87(2)(b) were not present when the alleged force was used, they each stated that a large knot was visible on § 87(2)(b)’s forehead following the officers’ entry. According to § 87(2)(b) and § 87(2)(b), § 87(2)(b) complained at the time that an officer had hit her on the head. Det. Gansrow stated that after he entered the apartment, he encountered § 87(2)(b) as she turned into the hallway. He ordered her several times to show her hands, which she kept out of view. He went past § 87(2)(b) and did not enter the room into which she had gone, leaving § 87(2)(b) to be apprehended by the arrest team behind him. Det. Gansrow stated, “I don’t think so,” when asked if he hit § 87(2)(b) in her face with his ballistic shield. He did not recall hitting § 87(2)(b) in her groin area with his ballistic shield. Det. Gansrow did not know if he hit § 87(2)(b) at all with his ballistic shield and he did not know if he made any physical contact with her as he passed by. He later noticed a bruise on the top of § 87(2)(b)’s head, but he did not know how it was sustained.

According to Patrol Guide Procedure 203-11 an officer may use only that amount of necessary to overcome resistance and effect an arrest (encl. v-vi).

§ 87(2)(g)

Det. Mackenzie saw § 87(2)(b) standing in the hallway, asking the officers who they were before refusing to comply with officers’ orders to get down and show her hands. Det. Mackenzie stated that Det. Gansrow continued down the hallway past § 87(2)(b) and “pushed her back” as the detectives are taught in their training. Det. Mackenzie then rephrased this and stated that Det. Gansrow “brushed by” § 87(2)(b) and did not make physical contact with her. He denied seeing § 87(2)(b) being pushed or being hit in her face or groin by a ballistic shield. He did not hear § 87(2)(b) complain of being hit and he did not notice any injuries to her. According to Det. Rodriguez, § 87(2)(b) yelled, moved her arms, and did not comply when officers told her to show her arms and get down. However, he did not see Det. Gansrow hit § 87(2)(b) in her face or groin with his shield, or make any physical contact against § 87(2)(b) with his shield. Det. Rodriguez put his hand out and moved § 87(2)(b) out of the way, toward the officers behind him.

§ 87(2)(g)

§ 87(2)(g) He was the only officer who noted that § 87(2)(b) had a bruise on her forehead, although he denied any knowledge of how it was sustained.

§ 87(2)(g) The medical records obtained from her three hospital visits in § 87(2)(b), however, contain several references to the incident, some of which are consistent with her testimony. She complained of pain in her groin sustained during the NYPD raid of her apartment, as well as having been hit on the head by officers. § 87(2)(b) did not complain at the hospital of having lost a tooth. § 87(2)(g)

§ 87(2)(g)

Team: \_\_\_\_\_

:

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date